

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BRUNO HOFFMAN, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

PHILIP LAUGHLIN, MICHAEL SABOLINSKI,
ALBERT ERANI, DONNA ABELLI LOPOLITO,
JOHN J. ARCARI, HERBERT M. STEIN,
ALAN ADES, BERNARD A. MARDEN,
ALAN W. TUCK, NOVARTIS PHARMA AG and
PRICE WATERHOUSECOOPERS LLP,

Defendants.

No.: 04-10027-JLT

PLAINTIFFS' MOTION FOR ENTRY OF SCHEDULING ORDER

Court-appointed Lead Plaintiffs Bruno Hoffman, John H. Bowie, Richard Madigan, and Richard Conen (collectively, "Lead Plaintiffs" or the "Hoffman Group"), by their counsel, respectfully submit this motion for entry of the attached [Proposed] Scheduling Order. As grounds therefore, Lead Plaintiffs state that on July 21, 2004, this Court entered an Electronic Order Approving Stipulation and Order Consolidating Actions and Appointing Lead Plaintiff and Approving Lead Plaintiffs Selection of Lead Counsel and Liaison Counsel, and Consolidating Cases. A scheduling order is now necessary to set deadlines for Lead Plaintiffs to file a consolidated amended complaint against any and all defendants; for defendants to move, answer or otherwise respond to the consolidated amended complaint; and for a briefing schedule with respect to any defendants' motion to dismiss the consolidated amended complaint. Counsel for the individual Defendants and Novartis Pharma AG ("Novartis") assent to this

motion as it affects their clients, while counsel for Defendant PricewaterhouseCoopers, LLP opposes it.¹

Lead Plaintiffs respectfully request that the Court grant their Motion and enter an order substantially in the form attached hereto as Exhibit A.

DATED: August 19, 2004

Respectfully Submitted,

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
Nancy Freeman Gans
33 Broad Street, Suite 1100
Boston, MA 02109-4216
(617) 369-7979

**Liaison Counsel for Lead Plaintiffs Bruno
Hoffman, John H. Bowie, Richard Madigan, and
Richard Conen**

**MILBERG WEISS BERSHAD HYNES
& LERACH LLP**

Steven G. Schulman
Elaine S. Kusel
Peter Sloane
One Pennsylvania Plaza, 49th Floor
New York, NY 10119
(212) 594-5300

**Lead Counsel for Lead Plaintiffs Bruno
Hoffman, John H. Bowie, Richard Madigan, and
Richard Conen**

¹ As set forth more fully in the accompanying Memorandum of Law, on March 29, 2004, prior to this Court's order consolidating the related cases and appointing Lead Plaintiffs, Defendant PricewaterhouseCoopers LLP ("PwC") filed motions to dismiss each of the unconsolidated cases. On April 12, 2004, Plaintiffs timely responded with both motions to strike PwC's motions and preliminary oppositions to the motions to dismiss. Both sets of motions are still pending. Defendant Alan Tuck is not represented and since plaintiff's counsel has been unable to reach him, he has taken no position on this motion.

LOCAL RULE 7.1 CERTIFICATE

I, Nancy Freeman Gans, Liaison Counsel for Lead Plaintiffs, hereby state that I conferred on August 9, 2004, with Jonathan Shapiro, Esq. of Wilmer Cutler Pickering Hale and Dorr, LLP, counsel for individual Defendants Philip Laughlin, Michael Sabolinski, Albert Erani, Donna Abelli Lopolito, John J. Arcari, Alan Ades, and Bernard A. Marden. Mr. Shapiro consents to the Motion for Scheduling Order with respect to his clients. I also spoke with Peter M. Saporoff, Esq. of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., counsel for individual defendant Herbert M. Stein. Mr. Saporoff also assents to this motion. On August 18, 2004, I spoke with Glenn M. Kurtz, Esquire, White & Case, counsel for Defendant Novartis Pharma AG who also gave his assent to the motion. On August 9, 2004, I spoke with James R. Carroll, Esq. of Skadden, Arps, Slate, Meagher & Flom LLP, counsel for PricewaterhouseCoopers LLP. who opposes this Motion. Individual Defendant Alan Tuck is not represented and I have been unable to reach him.

/s/ Nancy Freeman Gans
Nancy Freeman Gans

CERTIFICATE OF SERVICE

I, Nancy Freeman Gans, hereby certify that a true copy of the above document was served upon the attorney of record for each party by hand and/or first class mail, postage prepaid, on August 19, 2004.

/s/ Nancy Freeman Gans
Nancy Freeman Gans